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In re WILLIAMS ET AL., Application No. 10/811,044
Amendment B

REMARKS

The Office action dated December 14, 2006, and the references cited have been fully considered. In response, please enter the amendments and consider the following remarks presented herein. Reconsideration and/or further prosecution of the application is respectfully requested.

Applicants have taken this opportunity to amend Beauregard-style independent claims 8 and 16 to explicitly recite that the computer-readable medium tangibly stores the computer-executable instructions to avoid potential confusion. Claims 12, 17, and 22 are amended to add the conjunction "and." No new matter is added.

Applicants appreciate the thoughtful examination of the application, and for reconsidering its prior Office action. Applicants respectfully traverse all claim rejections pretty much based on the same rational. The Office is still trying to rely on Yun et al., which operates fundamentally different than recited claim elements, and therefore, even when combined with another reference such as Amiri et al., "Highly Concurrent Shared Storage" neither teaches nor suggests all the claim limitations in a coherent manner to render any claim obvious. The Office action parses words, but does not present teachings of all claim limitations (e.g., claim 1's lock manger that does not access the protective data in native storage, but communicates grants with at least one including the protected data), and therefore, fails to present a *prima facie* proper rejection.

Amiri et al. is a basic locking mechanism that neither teaches nor suggests lock manger that does not access the protective data in native storage, but communicates grants with at least one including the protected data, which apparently the Office agrees as the Office action states that "Amiri fails to disclose at least one of said communicated grants includes said protected data." Yun et al. neither teaches nor suggests this limitation, as Yun et al. does not have a lock manager and a plurality of requesters, rather it has multiple processors (e.g., P0, P1, P2, P3 in FIG. 2) which each access the protected data - i.e., the page of data in its local memory, with the particular P0, P1, P2, P3 releasing the lock and sending the diff information. Therefore, neither

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reference teaches all the recited limitations. Moreover, the combination as presented by the Office would not work as the Yun et al. teaches that the data is accessed from native storage, and therefore the combination Amiri with Yun et al. would require Amiri's lock manager to access the protected data from native storage. The Office action in the rejection of dependent claim 2 further teaches away from such limitations as it states that the lock server does not have access to the local files and therefore, would not included the protected data. For at least these reasons, the Office action fails to include a *prima facie* rejection of independent claim 1, and its dependent claims 2-5.

Additionally, Applicants respectfully traverse the rational for the combination, as it goes to sending diffs between processors that process the data, instead of the prior system which sent the entire page of information.

Although Applicants have no burden on addressing the dependent claims as there has not been established a *prima facie* rejection as discussed *supra*, Applicants will make a few additional comments. Applicants respectfully traverse the rejection of dependent claim 2, as a dependent (or any) claim needs to be examined in its entirety (i.e., with and in the context of the recited limitations of any claims from which it depends). It is specious, at best, to rely on Amiri for teaching a negative refinement of a feature, which the Office has stated the feature is not taught by Amiri (nor does Amiri teach such feature). In regards to dependent claim 3, Applicants make a "demand for evidence" for such a teaching as the statement of the rejection goes to the recited limitation of the protected data, not to the additional limitation of the indication that such is communicated therewith - these are two different limitations and there must be a teaching of both for a proper *prima facie* rejection. Applicants respectfully traverse the statement of the rejection of claim 4, because it is *non sequitur* to the claim limitation. The statement in Yun et al. that the Office relies goes to why it diffs are communicated instead of the entire page (note "[s]econd, it reduces message amounts" is the sentence immediately before that stated in the Office action.) In regards to claim 5, Applicants respectfully traverse the statement of the rejection as it neither teaches nor suggests the limitation of claim 5 of whether or not it will

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accept such data in the grant message, rather, it specifies to what information it desires a lock thereon. If it actually teaches this recited limitation, Applicants request the Office provide a teaching by Yun et al. that it will not accept such information based on such a lock request, as Applicants cannot find where Yun et al. teaches that, and thus, there is no reason for Yun et al. to teach the recited limitation of claim 5.

For at least these reasons, Applicants respectfully request that the claim rejections of independent claim 1 and its dependent claims 2-5 be withdrawn.

As the Office relies on the same rational for the rejection of all claims, Applicants respectfully traverse the rejections of all claims for at least the reasons presented *supra*.

Additionally, Applicants respectfully traverse the rejections of independent claim 6 and its dependent claim 7. Yun et al., alone or in combination with Amiri et al., neither teaches nor suggest the limitation of data being copied from the release to grant messages. The diffs to which the Office action and Yun et al. refer are generated by the process P0 - P4 to which currently has the lock in response to the receipt of the request, generates the diffs, and sends them to the requestor. This neither teaches nor suggests receiving the release including the protected data, nor copying the protected data from the release to the grant message. In regards to dependent claim 7, the citation is non sequitur to the limitation. The grant message of Yun includes the diffs or if the cumulative diffs are larger than the page, there is no relation to whether or not another requestor is waiting. Also note, based on antecedent basis, "the grant message" refers to the grant message introduced in claim 6. Additionally, Applicants respectfully traverse the rational for the combination, as it goes to sending diffs between processors that process the data, instead of the prior system which sent the entire page of information. For at least these reasons, Applicants respectfully request that the claim rejections of independent claim 6 and its dependent claim 7 be withdrawn.

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Claims 8-11 are believed to be allowable for at least the reasons presented in relation to claims 6 and 8 as they are different claim formats thereof, and the Office action rejects these claims for the same rational.

Applicants respectfully traverse the rejections of claims 12-26 for at least the reasons presented *supra*, as the Office action rejects them for the same reasons as for claims previously discussed. Additionally, the Office action fails to present a coherent rejection. The combination of Amiri et al. with Yun et al. will not work using both locking mechanisms. The Office action selectively uses the teaching of Amiri et al. for a first recited element, and then Yun et al. for a second recited element, and because a combined system would not operate with both locking mechanisms, then the combination is improper. Moreover, Amiri et al., alone or in combination with Yun et al., neither teaches nor suggests indications of whether or not to include the protected data in response to identifying that one or more requestors is waiting for the lock after the first request, claims 12-26 are believed to be allowable. Finally, Applicants respectfully traverse the rational for the combination, as the state rational goes to sending diffs between processors that process the data, instead of the prior system which sent the entire page of information.

Final Remarks. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over all prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicants are open to discussing, considering, and resolving issues.

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Moreover, if the Office actually performed its duty and complied with MPEP § 706 and specifically 37 CFR 1.104(c)(2), then the Office has cited the best references available. As these references neither teach nor suggest all the claim elements and limitations as required by the MPEP for a proper rejection, then *all pending claims are believed to be allowable over the best prior art available*, and Applicants request the claims be allowed and the application pass to issuance.

Applicants request a two-month extension of time is required. Should a different extension of time be deemed appropriate, Applicants hereby petition for such deemed extension of time. Applicants further authorize the charging of Deposit Account No. 501430 for any fees that may be due in connection with this paper (e.g., claim fees, extension of time fees) as required in addition to the payment made herewith using Form PTO-2038.

Respectfully submitted,
The Law Office of Kirk D. Williams

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By



Kirk D. Williams, Reg. No. 42,229
One of the Attorneys for Applicant
CUSTOMER NUMBER 26327
The Law Office of Kirk D. Williams
PO BOX 61538, Denver, CO 80206-8538
303-282-0151 (telephone), 303-778-0748 (facsimile)